

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:01-CR-221-H
No. 5:16-CV-204-H

MICHAEL ANTRANTRINO LEE,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

ORDER

This matter is before the court on petitioner's motions to stay hearing or disposition in his motion to vacate under 28 U.S.C. § 2255 pending the decision by the Fourth Circuit Court of Appeals in In re Hubbard, No. 15-276, (4th Cir. Nov. 24, 2015), [D.E. #79], to supplement, [D.E. #80], and to withdraw response in opposition to motion to stay, [D.E. #82]. The government's motion for extension of time to respond, [D.E. #81], is also before the court.

On June 8, 2016, the Fourth Circuit published its decision in In re Hubbard, No. 15-276, 2016 WL 3181417 (4th Cir. June 8, 2016); therefore, the need for stay has been obviated, and petitioner's motions to stay, [D.E. #79], and to withdraw opposition to motion to stay, [D.E. #82], are DENIED AS MOOT. Petitioner's motion to supplement his motion to vacate under 28 U.S.C. § 2255, [D.E. #80], is GRANTED, and docket entry #80

shall be incorporated into petitioner's motion to vacate under 28 U.S.C. § 2255, [D.E. #72].

In light of petitioner's supplement, a stay of the mandate in United States v. Gardner, No. 14-4533, 2016 WL 2893881 (4th Cir. May 18, 2016) pending disposition of the government's petition for rehearing en banc, and for good cause shown, the government's motion for an extension of time to respond, [D.E. #81], is GRANTED. The government's deadline to file an answer or otherwise respond to petitioner's motion to vacate under 28 U.S.C. § 2255 shall be extended to **August 1, 2016**.

This 30th day of June, 2016.



Malcolm J. Howard
Senior United States District Judge

At Greenville, NC
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